

**Notice of Allowability**

Application No.

10/699,708

Examiner

Nikita Wells

Applicant(s)

MCCORD ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to "Amendment and Response to Office Action" received 30 July 2004.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 11/03/03 along with revised Figs 1 & 7 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Nikita Wells  
Primary Examiner  
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## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-28 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The Applicant amended claims 1, 12, 16, 21, 26, and 28 according to the "Amendment and Response to Office Action" received July 30, 2004 and presented arguments in favor of allowance of the newly amended claims. The Applicant demonstrated to the Examiner's satisfaction that, with respect to the 35 U.S.C. 102(b) and the 35 U.S.C. 103(a) rejections of the independent claims 1, 12, 16, 21, and 28, the primary reference of Lo et al. (6,232,787 B1) is no longer applicable to the Applicant's invention. With respect to claims 1, 12, and 28, Lo et al., and any other prior art, fail to disclose the feature of the present invention, in which an apparatus or a method is used for setting a surface charge of an area on a substrate to a desired voltage level, the apparatus comprising: a column for generating an imaging electron beam and for directing the imaging beam to the area; wherein the stage bias voltage is controlled so as to be substantially proportional to the desired voltage level of the surface charge.

With respect to the independent claims 16 and 21, Lo et al., and any other prior art, fail to disclose an apparatus and method of maintaining the focus of a primary electron beam incident upon a substrate and imaging a specific area of the substrate, wherein a monitor electron beam is incident on a monitoring area of the substrate at a non-perpendicular incidence angle, together with an in-focus detector configured to detect an in-focus band in data collected from the monitor beam and that the monitoring area of the substrate has sufficient edge content so as to locate the in-focus band between out-of-focus areas.

Therefore, the independent claims 1, 12, 16, 21, and 28 are allowed. The dependent claims 2-11, 13-15, 17-20, and 22-27, are allowed by virtue of their dependence upon claims 1, 12, 16, and 21, respectively.

### ***Conclusion***

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

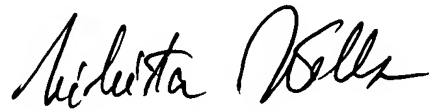
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on (571) 272-2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nikita Wells". The signature is fluid and cursive, with the first name "Nikita" and the last name "Wells" clearly distinguishable.

Nikita Wells, Primary Examiner

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August 26, 2004